

REMARKS

In a non-final Office Action dated October 14, 2009 ("Office Action"), the Examiner rejected claims 38 and 40-41 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,889,868 to Moskowitz et al. ("*Moskowitz*") in view of U.S. Patent No. 5,629,980 to Stefik et al. ("*Stefik*") in further view of U.S. Patent No. 5,613,004 to Cooperman et al. ("*Cooperman*").¹

By this Amendment, Applicants have amended claim 38. This amendment adds no new matter and is fully supported by the specification. Applicants respectfully traverse the aforementioned rejections and request reconsideration based on the following remarks. In addition, Applicants do not necessarily agree with or acquiesce in the Examiner's characterization of claims or the prior art, even if those characterizations are not addressed herein.

Claim Rejections Under 35 U.S.C. §103

Applicants respectfully traverse the rejection of claims 38 and 40-41 under 35 U.S.C. §103(a) as being unpatentable over *Moskowitz* in view of *Stefik* in further view of *Cooperman* because a *prima facie* case of obviousness has not been established with respect to these claims. Although Applicants respectfully disagree with the basis for the Examiner's rejection, in the interest of expediting allowance of the pending claims, Applicants have amended claim 38 and submit that the claim, as amended, even more clearly distinguishes the claimed invention from the cited references.

Claim 38 recites a rights management method that includes use of, *inter alia*:

"...[an] information signal comprising a content portion and steganographically encoded control information, the control information being intertwined with the content portion of the information signal in locations based on the available bandwidth of the first communications channel, the control information comprising an indication of whether at least part of the content

¹ On page 7 of the Office Action, the Examiner indicates that claim 42 is rejected under 35 U.S.C. §103. Applicants note, however, that claim 42 is no longer pending in this application. Therefore, Applicants submit that the Examiner's comments with respect to claim 42 are moot, and respond herein accordingly.

portion may be copied, the control information further comprising an indication of a number of times the content portion may be rendered by a given device..."

Emphasis added.

Applicants respectfully submit that neither *Moskowitz*, *Stefik*, nor *Cooperman* disclose or suggest at least these claimed features.

Moskowitz relates generally to "implementations of digital watermarks." *Moskowitz*, Col. 2: I. 26. *Moskowitz* discloses that its digital watermarks are "essentially randomly-mapped noise ... inserted into samples of digital content in a manner such as to maximize encoding level while minimizing any perceived artifacts that would indicate their presence or allow removal by filters without destroying the content signal." *Moskowitz*, Col. 7: II. 1-4, *emphasis added*. The digital watermarks of *Moskowitz* are integrated "as closely as possible to [a] content signal, at a maximal level, to force degradation of the content signal when attempts are made to remove the watermarks." *Id.* at Col. 2: II. 62-65.

Moskowitz, however, fails to disclose or suggest "control information ... intertwined with [a] content portion of [an] information signal in locations based on the available bandwidth of [a] first communications channel," as recited in amended claim 38. For example, as the Examiner correctly notes, *Moskowitz* does not disclose "control information intertwined with content." *Office Action*, page 6. Further, *Moskowitz* fails to disclose or suggest intertwining "control information ... based on the available bandwidth of [a] first communications channel." Accordingly, *Moskowitz* fails to disclose or suggest at least these elements recited in amended claim 38.

Stefik fails to cure at least the aforementioned deficiencies of *Moskowitz*. *Stefik* discloses a system in which "[u]sage rights are attached directly to digital works." *Stefik*, Col. 9: I. 8. Further, *Stefik* discloses that usage rights are attached in a "rights portion" of a digital work. *Id.* at Col. 9: I. 60. See also Fig. 7 and Fig. 10. Nowhere, however, does *Stefik* provide any disclosure or suggestion of "[an] information signal comprising a content portion and

steganographically encoded control information, the control information being intertwined with the content portion of the information signal in locations based on the available bandwidth of the first communications channel,” as recited in amended claim 38.

Cooperman fails to cure at least the aforementioned collective deficiencies of *Moskowitz* and *Stefik*. *Cooperman* generally discloses a method that “combines the techniques of cryptography and steganography to hide a securely encrypted digital copyright certificate ... in such a manner as to be integral with [a piece of] content, like a watermark on paper, so that possession of the content dictates possession of the watermark information.” *Cooperman*, Col. 5: ll. 31-37. *Cooperman* further discloses that its “watermark cannot be ‘found’ or successfully decoded, without the possession of the correct ‘masks’ or keys, available only to those legitimately authorized, namely, those parties to a commercial transaction involving the sale of a copy of the content.” *Id.* at Col 4: ll. 36-41. Nowhere, however, does *Cooperman* provide any disclosure or suggestion of “[an] information signal comprising a content portion and steganographically encoded control information, the control information being intertwined with the content portion of the information signal in locations based on the available bandwidth of the first communications channel,” as recited in amended claim 38. For example, *Cooperman* fails to provide any disclosure or suggestion of intertwining “control information ... based on the available bandwidth of [a] first communications channel,” as recited in amended claim 38. Accordingly, *Cooperman* fails to cure the collective deficiencies of *Moskowitz* and *Stefik*.

For at least the above reasons, Applicants respectfully submit that claim 38 is not obvious over any combination of *Moskowitz*, *Stefik*, and *Cooperman*. Therefore, Applicants submit that claim 38 is allowable. Claims 40-41 depend from claim 38, and are allowable for at least the same reasons as claim 38. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 38 and 40-41 under 35 U.S.C. §103.

Conclusions

In view of the foregoing remarks, Applicants submit that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the Examiner's reconsideration of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Dated: April 14, 2010

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